

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 15, 2006 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; City Clerk, Joan E. Ross.

Council Chair Svoboda asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of May 8, 2006, reported having done so, found same correct.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ELECTION OF COUNCIL CHAIR & VICE CHAIR

Mayor Coleen J. Seng came forward to conduct the nominations for the office of Chair for the City Council. Council Member Ken Svoboda nominated Patte Newman, seconded by Robin Eschliman, and the motion was carried 7-0.

As the newly elected Chair, Patte Newman conducted the nominations for the office of Vice Chair for the City Council. Council Member Jonathan Cook nominated Dan Marvin, seconded by Annette McRoy, and the motion was carried 7-0.

PUBLIC HEARING

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN REQUIRING THE CITY TO MAKE THE ANNUAL ACTUARIALLY DETERMINED NORMAL COST CONTRIBUTION TO SUCH PENSION PLAN - Don Taute, Director of Personnel, came forward to answer Council questions. Discussion followed.

Paul Lutomski, Police & Fire Pension Administrator, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 06019 - AMENDING SECTION 27.61.090 AND 27.63.280 OF THE LINCOLN MUNICIPAL CODE TO ALLOW FOR THE ENLARGEMENT, EXTENSION, OR RECONSTRUCTION OF BUILDINGS AND STRUCTURES LOCATED UPON A PREMISES, THE USE OF WHICH CONSTITUTES A NONSTANDARD USE BY SPECIAL PERMIT - Danny Walker, 427 "E" Street, came forward for comment. Discussion followed.

Ray Hill, Planning Department, came forward to clarify the amendment. Discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC DECENCY BY ADDING A NEW SECTION 9.16.250 TO PROVIDE RESIDENCY RESTRICTIONS FOR SEX OFFENDERS - Tom Casady, Chief of Police, came forward in support. Discussion followed.

David Briggs, 5319 Cooper Ave., came forward to comment. Discussion followed.

Danny Walker, 427 "E" Street, came forward in support.

Mike Morosin, 2055 "S" Street, came forward in support.

This matter was taken under advisement.

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND THUNDERSTONE LLC FOR DEVELOPMENT OF A 31,782 SQUARE FOOT COMMERCIAL SPACE IN THE WEST O STREET REDEVELOPMENT AREA GENERALLY LOCATED AT N.W. 32ND AND WEST O STREETS - Ernie Castillo, Urban Development Department, came forward to answer questions. Discussion followed.

Mark Hansen, owner of Thunderstone, LLC, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

USE PERMIT 06004 - APPLICATION OF SOUTHVIEW AND RIDGE DEVELOPMENT COMPANY TO DEVELOP 224,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND A REQUESTED WAIVER OF THE DESIGN STANDARDS TO ALLOW SIGNS FOR INDIVIDUAL PAD SITES TO BE LOCATED MORE THAN 30 FEET FROM THE BUILDING, ON PROPERTY GENERALLY

REGULAR MEETING

May 15, 2006

Page 506

LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 40TH STREET AND YANKEE HILL ROAD - DaNay Kalkowski, 1111 Lincoln Mall, #350, attorney for The DESCO Group, came forward to answer questions. Discussion followed.

Jaci Bell, Site Development Manager with Target, 1000 Nicollet Mall S., Minneapolis, MN, came forward to answer questions. Discussion followed.

Mike Anthon, Vice Pres. of Retail Development for The DESCO Group, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING THE ACQUISITION OF APPROXIMATELY 14.9 ACRES OF PROPERTY FOR USE AS PARK AND TRAIL LAND GENERALLY LOCATED AT SOUTH 56TH STREET AND PINE LAKE ROAD - Lynn Johnson, Director of Parks & Recreation, came forward to answer questions. Discussion followed.

Ray Hill, Planning Department, came forward to clarify the zones of the area. Discussion followed.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MATTHEW OWENS FOR SUMMIT PROPERTIES LLC DBA SIDELINES DELI AT 1000 SAUNDERS AVE - CLERK stated the applicant requested to withdraw his application:

CAMP Moved to withdraw the application.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4525 & was placed on file in the Office of the City Clerk.

APPLICATION OF RFOX, INC. DBA RED FOX WESTSIDE GRILLE TO EXPAND ITS PRESENTLY LICENSED PREMISES BY ADDING AN AREA MEASURING APPROXIMATELY 38 FEET BY 64 FEET TO THE SOUTH AT 1339 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83848 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Rfox, Inc. dba Red Fox Westside Grille to expand its licensed premises by the addition of an area measuring approximately 38 feet by 64 feet to the south of the presently licensed premises located at 1339 West O Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN REQUIRING THE CITY TO MAKE THE ANNUAL ACTUARIALLY DETERMINED NORMAL COST CONTRIBUTION TO SUCH PENSION PLAN - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 2 of the Lincoln Municipal Code, Officers, Departments and Personnel, by amending Sections 2.62.010, 2.65.010 and 2.66.010 relating to the establishment of Police and Fire Pension Plans A, B and C, respectively, to clarify the required city contribution to the Police and Fire Pension Fund; and repealing Sections 2.62.010, 2.65.010, and 2.66.010 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 06019 - AMENDING SECTION 27.61.090 AND 27.63.280 OF THE LINCOLN MUNICIPAL CODE TO ALLOW FOR THE ENLARGEMENT, EXTENSION, OR

RECONSTRUCTION OF BUILDINGS AND STRUCTURES LOCATED UPON A PREMISES, THE USE OF WHICH CONSTITUTES A NONSTANDARD USE BY SPECIAL PERMIT - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Section 27.61.090 relating to Continuation of Nonstandard Uses, and Section 27.63.280 relating to Special Permits; Expansion of Nonconforming Uses, to allow for the enlargement, extension, or reconstruction of buildings and structures located upon a premises the use of which constitutes a nonstandard use by special permit; and repealing Sections 27.61.090 and 27.63.280 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC DECENCY BY ADDING A NEW SECTION 9.16.250 TO PROVIDE RESIDENCY RESTRICTIONS FOR SEX OFFENDERS - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 9.16 of the Lincoln Municipal Code relating to Offenses Against Public Decency by adding a new section numbered 9.16.250 to provide residency restrictions for sexual predators, the second time.

RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY AND STATE DEPT. OF ROADS TO IDENTIFY A CORRIDOR FOR A LINEAR PARK ON THE NORTH SIDE OF THE SOUTH BELTWAY BETWEEN 27TH AND 84TH STREETS. (3/6/06 - P.H. W/ACTION CON'T. TO 3/13/06) (REQUEST TO PLACE ON PENDING W/CON'T. P.H. & ACTION ON 5/15/06) (3/13/06 - CON'T. P.H. & ACTION TO 5/15/06) (REQUEST TO WITHDRAW) - CLERK stated Parks & Recreation Department requested to withdraw Bill No. 06R-34.

COOK Moved to Withdraw Bill No. 06R-34.
 Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
 The ordinance, having been **WITHDRAWN**, was assigned the File #38-4526 & was placed on file in the Office of the City Clerk.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 16-31, 2006 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83849 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated May 1, 2006, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Melissa Huenink	\$ 356.14	Farmers Mutual of Nebraska	
Kevin Boyce	NAS*	(Claim No. P0515212)	\$3,000.00
Mark Lagrimini & Shannon Lagrimini	247.00	Joni Day & Roger Day	5,552.04
Jason M. Lilly	NAS*	Tom Slocum & Cindy Slocum	938.57
Mike Langfeldt	140.32	Farm Bureau Insurance	
Marcia Lyman	NAS*	(Claim No. 8000066294)	5,925.23
Gary L. Zager	108.06	Neil Kringel/Blake Kringel	3,500.00
Michael Flowers & Alice Flowers	3,603.30		

* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook
 Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND THUNDERSTONE LLC FOR DEVELOPMENT OF A 31,782 SQUARE FOOT COMMERCIAL SPACE IN THE WEST O STREET REDEVELOPMENT AREA GENERALLY LOCATED AT N.W. 32ND AND WEST O STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83850 BE IT RESOLVED by the City Council of the City of Lincoln,

Nebraska:

1. The attached Thunderstone Redevelopment Agreement between the City of Lincoln and Thunderstone LLC, for redevelopment of property within the West O Street Redevelopment Plan, as private development including new construction and improvements for commercial/retail use, parking and related uses, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

2. The Redevelopment Project Area for the Redevelopment Project comprising the property to be included in the area subject to the increment provision authorized in the Nebraska Community Development Law related to the project commencing hereafter as provided by law is hereby adopted and approved; said property being legally described as Lots 74 and 75, I.T., in the Southwest Quarter of Section 20, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, including the abutting streets and rights-of-way thereto.

3. The findings in connection with the adoption of the West O Street Redevelopment Plan are hereby ratified and approved, and the City Council hereby determines that the use of the increment provision authorized in the Nebraska Community Development Law is necessary and appropriate in furtherance of the Redevelopment Plan and that the redevelopment would otherwise not occur in this area but for the use of such financing.

The City Clerk is directed to return one fully executed copy of the Agreement to the Urban Development Department, for transmittal to Thunderstone, LLC.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

USE PERMIT 06004 - APPLICATION OF SOUTHVIEW AND RIDGE DEVELOPMENT COMPANY TO DEVELOP 224,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND A REQUESTED WAIVER OF THE DESIGN STANDARDS TO ALLOW SIGNS FOR INDIVIDUAL PAD SITES TO BE LOCATED MORE THAN 30 FEET FROM THE BUILDING, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 40TH STREET AND YANKEE HILL ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83851 WHEREAS, Southview and Ridge Development Company have submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 06004 to develop 224,000 square feet of commercial floor area, including a request to allow signs for individual pad sites to be located more than 30 feet from the building, on property generally located northwest of the intersection of South 40th Street and Yankee Hill Road, legally described to wit:

The remaining portion of Outlot "F", Pine Lake Heights South 7th Addition, located in the Southeast Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the southeast corner of said remaining portion of Outlot "F", said point being 60.00 feet north of the south line of said Southeast Quarter, and 88.00 feet west of the east line of said Southeast Quarter, said point being the true point of beginning; thence west along the south line of said remaining portion of Outlot "F", on an assumed bearing of north 88 degrees 05 minutes 40 seconds west, said line being the north line of Yankee Hill Road right-of-way, said line being 60.00 feet north of and parallel with the south line of said Southeast Quarter, a distance of 846.59 feet to the southwest corner of said remaining portion of Outlot "F"; thence north 43 degrees 05 minutes 40 seconds west along a southwest line of said remaining portion of Outlot "F", said line being a northeast line of South 37th Street right-of-way, a distance of 22.63 feet to a point; thence north 01 degrees 54 minutes 20 seconds east along a west line of said remaining portion of Outlot "F", said line being an east line of said right-of-way, a distance of 64.00 feet to a point of curvature; thence along a curve in a counter clockwise direction having a delta

angle of 29 degrees 55 minutes 35 seconds, a radius of 240.00 feet, an arc length of 125.36 feet, a chord bearing of north 13 degrees 03 minutes 28 seconds west along a west line of said remaining portion of Outlot "F", said line being an east line of said right-of-way, and a chord distance of 123.94 feet to a point of reverse curvature; thence along a curve in a clockwise direction having a delta angle of 29 degrees 55 minutes 35 seconds, a radius of 360.00 feet, an arc length of 188.03 feet, a chord bearing of north 13 degrees 03 minutes 28 seconds west along a west line of said remaining portion of Outlot "F", said line being the east line of said right-of-way, and a chord distance of 185.90 feet to a point of tangency; thence north 01 degrees 54 minutes 20 seconds east along the west line of said remaining portion of Outlot "F", said line being the east line of Grainger Parkway right-of-way, a distance of 243.41 feet to a point of curvature; thence along a curve in a clockwise direction, having a delta angle of 63 degrees 28 minutes 13 seconds, a radius of 250.00 feet, an arc length of 276.94 feet, a chord bearing of north 33 degrees 38 minutes 26 seconds east along the northwest line of said remaining portion of Outlot "F", said line being a southeast line of said right-of-way, and a chord distance of 263.00 feet to a point of tangency; thence north 65 degrees 22 minutes 33 seconds east along a northwest line of said remaining portion of Outlot "F", said line being a southeast line of said right-of-way, a distance of 146.02 feet to a point of curvature; thence along a curve in a clockwise direction, having a delta angle of 24 degrees 41 minutes 04 seconds, a radius of 1,360.00 feet, an arc length of 585.92 feet, a chord bearing of north 77 degrees 43 minutes 05 seconds east along the north line of said remaining portion of Outlot "F", said line being the south line of said right-of-way, and a chord distance of 581.40 feet to a point of tangency; thence south 89 degrees 56 minutes 23 seconds east along the north line of said remaining portion of Outlot "F", said line being a south line of said right-of-way, a distance of 76.54 feet to the northeast corner of said remaining portion of Outlot "F"; thence south 44 degrees 55 minutes 23 seconds east along a northeast line of said remaining portion of Outlot "F", said line being a southwest line of said right-of-way, a distance of 39.59 feet to an east corner of said remaining portion of Outlot "F"; thence south 00 degrees 05 minutes 36 seconds west along the east line of said remaining portion of Outlot "F", said line being the west line of South 40th Street right-of-way, said line being 60.00 feet west of and parallel with the east line of said Southeast Quarter, a distance of 733.15 feet to an east corner of said remaining portion of Outlot "F"; thence north 89 degrees 54 minutes 24 seconds west along a south line of said remaining portion of Outlot "F", said line being a north line of said right-of-way, a distance of 10.00 feet to an east corner of said remaining portion of Outlot "F"; thence south 00 degrees 05 minutes 36 seconds west along the east line of said remaining portion of Outlot "F", said line being the west line of said right-of-way, said line being 70.00 feet west of and parallel with the east line of said Southeast Quarter, a distance of 278.56 feet to an east corner of said remaining portion of Outlot "F"; thence south 45 degrees 59 minutes 58 seconds west along the southeast line of said remaining portion of Outlot "F"; said line being a northwest line of Yankee Hill Road right-of-way, a distance of 26.06 feet to the point of beginning, said tract contains a calculated area of 896,583.42 square feet or 20.58 acres, more or less;

REGULAR MEETING

May 15, 2006

Page 510

WHEREAS, the real property adjacent to the area included within the site plan for this construction of commercial space will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Southview and Ridge Development Company, hereinafter referred to as "Permittee", to develop 224,000 square feet of commercial floor area be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits 224,000 square feet of commercial floor area with an adjustment to the sign requirements to allow individual pad signs to be located more than 30' from the building.

2. Before receiving building permits:

a. The Permittee shall submit to the Planning Department for review and approval a revised site plan including 5 copies showing the following:

- i. Any revisions required by Public Works and Utilities per the revised traffic study.
- ii. A revised landscape plan showing: 1 - street trees deleted; 2 - a tree species other than Ponderosa Pine planted in mass per Parks and Recreation's review; 3 - a note that states "THE LANDSCAPING SHOWN ALONG SOUTH 37TH STREET AND GRAINGER PARKWAY REPRESENTS THE MINIMUM AMOUNT REQUIRED. ADDITIONAL LANDSCAPING MAY BE PLANTED, BUT THE REQUIRED AMOUNT SHALL NOT BE REDUCED BELOW WHAT IS SHOWN. ALL OTHER LANDSCAPING TO COMPLY WITH LINCOLN MUNICIPAL CODE TITLES 26 AND 27 AND THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS. STREET TREES TO BE SHOWN AT TIME OF FINAL PLAT."
- iii. Add a General Note that states "INTERNAL PEDESTRIAN SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS."
- iv. Delete General Notes 15 and 23.
- v. Delete the text and symbols indicating "Anchor Store Sign."
- vi. Show the South 40th Street driveway aligned with parking aisles, and the South 37th Street driveway aligned to the satisfaction of Public Works and Utilities.
- vii. Revise General Note #22 to state "A COMMON ACCESS EASEMENT SHALL BE GRANTED OVER ALL DRIVES AND PARKING STALLS."
- viii. Revise General Note #24 to state "NO BUILDING OR PARKING SHALL BE ALLOWED IN THE 50'-WIDE LANDSCAPE BUFFER ADJACENT TO SOUTH 37TH STREET OR GRAINGER PARKWAY."
- ix. Delete waiver #1.
- x. Show a vehicle turn-around in the loading area on the west side of the anchor building.
- xi. Show the location of the high-pressure gas line.
- xii. Revise the last line of General Note #13 to state: "THE PARKING LOT AND BUILDING LAYOUT SHOWN IS CONCEPTUAL. THE ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT AND SHALL CONFORM TO THE CITY OF LINCOLN ZONING ORDINANCE AND DESIGN STANDARDS. LANDSCAPING AND SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF BUILDING PERMIT. SIGNS TO CONFORM TO THE ZONING ORDINANCE, EXCEPT AS ADJUSTED BY THIS USE PERMIT AND EXCEPT THAT WALL SIGNS SHALL NOT BE ALLOWED ON THE NORTH AND WEST WALLS OF THE ANCHOR STORE."

- xiii. Add a General Note that states "ANY LIGHTING ON THE NORTH AND WEST SIDES OF THE ANCHOR STORE TO COMPLY WITH DESIGN STANDARDS Chapter 3.00, SECTION 8.
 - xiv. Add a north arrow and scale.
 - xv. Correct the total acreage in the legal description.
 - xvi. Revise General Note #9 to state "ALL MEDIANS, LANDSCAPING AND PEDESTRIAN CIRCULATION WITHIN THIS USE PERMIT TO MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS."
 - xvii. Revise General Note #20 to state "ATM'S. FENCES, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES."
- b. Grading and drainage and utility plans revised to the satisfaction of Public Works and Utilities.
 - c. A traffic study accepted by Public Works and Utilities.
 - d. A final plat for the site is approved.
 - e. The construction plans comply with the approved plans.
3. Before occupying the buildings all development and construction is to comply with the approved plans.
4. All privately-owned improvements, including landscaping and pedestrian circulation facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
5. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
7. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING THE ACQUISITION OF APPROXIMATELY 14.9 ACRES OF PROPERTY FOR USE AS PARK AND TRAIL LAND GENERALLY LOCATED AT SOUTH 56TH STREET AND PINE LAKE ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83852 A RESOLUTION authorizing the City of Lincoln Parks and Recreation Department to purchase approximately 14.9 acres of property for use by the City as park and trail land generally located at S. 56th Street and Pine Lake Road; and

WHEREAS, a one-acre portion of park land located in the northwest corner of Woods Park is being transferred to the Lincoln-Lancaster County Health Department for expansion of their facility; and

WHEREAS, the Federal Land and Water Conservation Fund program funding requires that any land converted from outdoor recreation use shall be replaced on a value-for-value basis and the subject property at 56th and Pine Lake Road is appraised at a value similar to the Woods Park property; and

WHEREAS, on April 26, 2006 the Planning Commission found the proposed acquisition of park land to be in conformance with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the purchase of the property generally located at S. 56th Street and Pine Lake Road and legally described on Exhibit "A" which is attached hereto for use by the City of Lincoln Parks and Recreation Department for park and trail land is hereby approved.

Introduced by Jonathan Cook

REGULAR MEETING

May 15, 2006

Page 512

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Marvin, McRoy, Newman, Svoboda; NAYS: Eschliman.

PETITIONS AND COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF APRIL, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

SETTING THE HEARING DATE OF MONDAY, JUNE 5, 2006, AT 1:30 P.M. FOR THE APPLICATION OF CHRISTO'S PUB, INC. DBA CHRISTO'S PUB FOR AN ADDITION TO 100 NORTH 12TH STREET, BY ADDING A SIDEWALK CAFÉ APPROXIMATELY 45 FEET BY 8 FEET ON THE SOUTH SIDE OF THE BUILDING - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption for approval:

A-83853 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 5, 2006, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Application of Christo's Pub, Inc. dba Christo's Pub for an addition to 100 North 12th Street by adding a sidewalk café approximately 45 feet by 8 feet on the south side of the building.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Robin Eschliman

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION ON THE NORTH 27TH STREET MAINTENANCE DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER & MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 8, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

VACATION NO. 05013 - VACATING THE EAST/WEST ALLEY IN BLOCK 121, ORIGINAL LINCOLN, BOUNDED BY 12TH, 13TH, K STREETS AND LINCOLN MALL - CLERK read an ordinance, introduced by Robin Eschliman, vacating the east/west alley in Block 121, Original Lincoln, bounded by 12, 13th, K Streets and Lincoln Mall, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING THE KING ANNEXATION AGREEMENT BETWEEN THE CITY AND TOM AND BETTY KING RELATING TO THE ANNEXATION OF APPROXIMATELY 2.5 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF N. 14TH STREET AND FLETCHER AVE. (RELATED ITEMS: 06R-95, 06-72) (ACTION DATE: 6/5/06).

ANNEXATION NO. 06003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 2.5 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND FLETCHER AVENUE. (RELATED ITEMS: 06R-95, 06-72) - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

APPROVING THE HIGHWAY 77 & WARLICK BOULEVARD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND WESTERN HEMISPHERE HOLDING COMPANY, RIDGE DEVELOPMENT COMPANY, SOUTHVIEW INC., DEVELOPMENTS UNLIMITED, DIAL-SOUTHWEST VILLAGE, LEGRANDE EXCAVATING, AND NORMAN H. LEGRANDE, RELATING TO THE ANNEXATION OF APPROXIMATELY 463.8 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST DENTON ROAD. (RELATED ITEMS: 06R-96, 06-73, 06-74, 06-75) (ACTION DATE: 6/5/06) - Clerk stated the

Planning Department requested to withdraw Bill No. 06R-96.
COOK Moved to withdraw Bill No. 06R-96.
Seconded by Camp & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4527 & was
placed on file in the Office of the City Clerk.

ANNEXATION 05014 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING
APPROXIMATELY 463.8 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM
STREET AND WEST DENTON ROAD. (RELATED ITEMS: 06R-96, 06-73, 06-74, 06-
75) - PRIOR to reading:

COOK Moved Bill No. 06-73 to have Public Hearing on 6/05/06, with
Action on 6/12/06.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Robin Eschliman, annexing and
including the below described land as part of the City of Lincoln,
Nebraska and amending the Corporate Limits Map attached to and made a
part of Ordinance No. 18208, to reflect the extension of the corporate
limits boundary of the City of Lincoln, Nebraska established and shown
thereon, the first time.

CHANGE OF ZONE 05061 - APPLICATION OF RIDGE DEVELOPMENT AND SOUTHVIEW INC. FOR
A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND AGR AGRICULTURAL
RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON
PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST DENTON ROAD.
(RELATED ITEMS: 06R-96, 06-73, 06-74, 06-75) - PRIOR to reading:

COOK Moved Bill No. 06-74 to have Public Hearing on 6/05/06, with
Action on 6/12/06.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Robin Eschliman, amending the
Lincoln Zoning District Maps attached to and made a part of Title 27 of
the Lincoln Municipal Code, as provided by Section 27.05.020 of the
Lincoln Municipal Code, by changing the boundaries of the districts
established and shown thereon, the first time.

CHANGE OF ZONE 05062 - APPLICATION OF RIDGE DEVELOPMENT AND SOUTHVIEW INC. FOR
A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND AGR AGRICULTURAL
RESIDENTIAL DISTRICT TO R-3 AND R-4 RESIDENTIAL DISTRICTS ON PROPERTY
GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST DENTON ROAD. (RELATED
ITEMS: 06R-96, 06-73, 06-74, 06-75) - PRIOR to reading:

COOK Moved Bill No. 06-75 to have Public Hearing on 6/05/06, with
Action on 6/12/06.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Robin Eschliman, amending the
Lincoln Zoning District Maps attached to and made a part of Title 27 of
the Lincoln Municipal Code, as provided by Section 27.05.020 of the
Lincoln-Municipal Code, by changing the boundaries of the districts
established and shown thereon, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

APPROVING THE PRAIRIE VILLAGE NORTH CONDITIONAL ANNEXATION AND ZONING
AGREEMENT BETWEEN THE CITY AND DUBOIS LAND LLC, PRAIRIE VILLAGE NORTH
LLC, PRAIRIE HOME BUILDERS INC., ROLAND GROUP LLC, AND FAITH EVANGELICAL
LUTHERAN CHURCH, RELATING TO THE ANNEXATION OF APPROXIMATELY 149.09
ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 84TH STREET AND
ADAMS STREET AND THE USE OF SAID 149.09 ACRES ALONG WITH APPROXIMATELY
23 ACRES LOCATED AT THE SOUTHEAST CORNER OF N. 84TH STREET AND ADAMS

REGULAR MEETING

May 15, 2006

Page 514

STREET UNDER A PLANNED UNIT DEVELOPMENT. (RELATED ITEMS: 05-164, 05R-262, 05-165) (11/7/05 - P.H. CON'T. 3 WKS. TO 11/28/05)(ACTION DELAYED 2 WKS TO 12/12/05) (12/12/05 - ACTION DELAYED 1 WK TO 12/19/05) (12/19/05 - ACTION DELAYED 3 WKS. TO 1/9/06) (1/9/06 - ACTION DELAYED 4

WKS. TO 2/6/06 & ITEMS TO BE RE-ORDERED ON THE AGENDA AS FOLLOWS: 05-165A, 05-165B, 05R-262, 05-164) (2/6/06 - ACTION DELAYED 3 WKS. TO 2/27/06) (2/27/06 - ACTION DELAYED 2 WKS. TO 3/13/06) (3/13/06 - PENDING INDEFINITELY) - CLERK requested a motion to remove Bill No. 05R-262 from pending to have Public Hearing & Action on 6/05/06.

COOK

So moved.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ANNEXATION 05013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 149.09 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND ADAMS STREET. (RELATED ITEMS: 05-164, 05R-262, 05-165) (11/7/05 - P.H. CON'T. 3 WKS. TO 11/28/05) (ACTION DELAYED 2 WKS TO 12/12/05) (12/12/05 - ACTION DELAYED 1 WK TO 12/19/05) (12/19/05 - ACTION DELAYED 3 WKS. TO 1/9/06) (1/9/06 - ACTION DELAYED 4 WKS. TO 2/6/06 & ITEMS TO BE RE-ORDERED ON THE AGENDA AS FOLLOWS: 05-165A, 05-165B, 05R-262, 05-164) (2/6/06 - ACTION DELAYED 3 WKS. TO 2/27/06) (2/27/06 - ACTION DELAYED 2 WKS. TO 3/13/06) (3/13/06 - PENDING INDEFINITELY) - CLERK requested a motion to remove Bill No. 05-164 from pending to have Public Hearing & Action on 6/05/06.

COOK

So moved.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY LANDON OSBORNE FOR INSTALLATION OF A FENCE/WALL AT 1840 E STREET. (4/10/06 - ACTION DELAYED 1 WK TO 4/17/06) (4/17/06 - ACTION DELAYED 1 WK. TO 4/24/06) (REQUEST TO DELAY ACTION 1 WK. TO 5/1/06) (4/24/06 - ACTION DELAYED 1 WK TO 5/1/06) (REQUEST TO PLACE ON PENDING - NO DATE CERTAIN) (5/1/06 - PLACED ON PENDING - NO DATE CERTAIN) - CLERK requested a motion to have Bill No. 06R-66 removed from pending for Action Only on 6/05/06.

SVOBODA

So moved.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CAMP

Moved to extend the Pending List to May 22, 2006.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP

Moved to approve the resolutions to have Public Hearing on May 22, 2006.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 3:57 P.M.

CAMP

Moved to adjourn the City Council meeting of May 15, 2006.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

REGULAR MEETING

May 15, 2006

Page 515

Sandy L. Dubas, Senior Office Assistant

